

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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AMERICAN CIVIL LIBERTIES UNION, *et al.*,

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION,  
UNITED STATES DEPARTMENT OF JUSTICE,

Defendants.

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) Civ. A. No. 1:05-CV-1004 (ESH)  
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Exhibit J to Coppolino Declaration

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ALAN GRECCO,

Plaintiff,

v.

DEPARTMENT OF JUSTICE, et al.,

Defendants.

Civil Action No. 97-0419 (NHJ)

**FILED**

AUG 24 1998

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

ORDER

Plaintiff Alan Grecco, proceeding pro se, brings this action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Presently before the Court is the motion of defendant Federal Bureau of Investigation ("FBI") to stay the case until December 31, 2002.

The FBI projects that the processing of plaintiff's request will begin no earlier than four years from the date it filed its motion for stay. Declaration of Sherry L. Davis ¶ 31. Plaintiff's request consists of an estimated 13,600 pages. Id. At the end of September 1997, the FBI had 13,878 FOIA requests pending. Id. ¶ 21.

FOIA provides that, "[i]f the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records." 5 U.S.C. § 552(a)(6)(C)(i) (1997). The D.C. Circuit has held that a stay is warranted where

an agency . . . is deluged with a volume of requests for information vastly in excess of that anticipated by Congress, when the existing resources are inadequate to deal with the volume of such requests within the time limits of subsection (6)(A), and when the agency can show that it "is exercising due diligence" in processing the requests. . . . [D]ue diligence of the agency to comply with all lawful demands under the [FOIA] in as short a time as is possible by assigning all

requests on a first-in, first-out basis, except those where exceptional need or urgency is shown, is compliance with the Act.

Open America v. Watergate Special Prosecution Force, 547 F.2d 605, 616 (D.C. Cir. 1976).

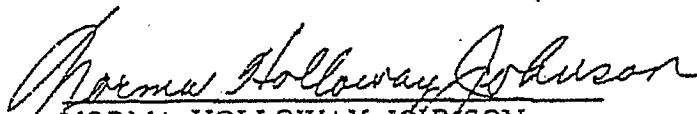
The Court finds that a stay is warranted but declines to grant the FBI the full stay it requests. It will grant the FBI a stay of proceedings until December 31, 2000, at which time that agency must file a status report with the Court.

Accordingly, it is this 24<sup>th</sup> day of August 1998,

ORDERED that defendant FBI's motion for a stay of proceedings [# 12] be, and hereby is, granted in part and denied in part; it is further

ORDERED that proceedings against defendant FBI are stayed until and including December 31, 2000; and it is further

ORDERED that defendant FBI file a Status Report with the Court no later than December 31, 2000.

  
NORMA HOLLOWAY JOHNSON  
UNITED STATES DISTRICT JUDGE.